

IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

2013-1574

ZHEJIANG NATIVE PRODUCE & ANIMAL BY-PRODUCTS IMPORT &
EXPORT CORP., KUNSHAN FOREIGN TRADE CO., CHINA (TUSHU)
SUPER FOOD IMPORT & EXPORT CORP., HIGH HOPE INTERNATIONAL
GROUP JIANGSU FOODSTUFFS IMPORT & EXPORT CORP., NATIONAL
HONEY PACKERS & DEALERS ASSOCIATION, ALFRED L. WOLFF, INC.,
C.M. GOETTSCHKE & CO., CHIAN PRODUCTS NORTH AMIERCA, INC.,
D.F. INTERANTIONAL (USA), INC., EVERGREEN COYLE GROUP, INC.,
EVERGREEN PRODUCE, INC., PURE SWEET HONEY FARM INC., and
SUNLAND INTERNATIONAL, INC.,

Plaintiff-Appellants,

v.

UNITED STATES,

Defendant-Appellee,

and

SIOUX HONEY ASSOCIATION and AMERICAN HONEY PRODUCERS
ASSOCIATION,

Defendant-Appellees.

Appeal from the United States Court of International Trade in
case no. 02-0057, Judge Richard K. Eaton.

ORDER

Upon reading and considering defendant-appellee's second unopposed motion for an enlargement of time, and upon consideration of all other relevant papers and proceedings, it is

ORDERED that, for good cause shown, defendant-appellee's motion is hereby granted. Response briefs shall be filed by the United States and by Sioux Honey Association and American Honey Producers Association no later than March 20, 2014.

SO ORDERED.

FOR THE COURT:

Dated: _____, 2013
Washington, D.C.

Cc:

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**DEFENDANT-APPELLEE'S SECOND UNOPPOSED MOTION
FOR AN ENLARGEMENT OF TIME TO FILE RESPONSE BRIEF**

Pursuant to Fed. R. App. P. 26(b) and Fed. Cir. R. 26(b), defendant-appellee, the United States, respectfully requests that the Court grant a 30-day enlargement of time, to and including March 20, 2014, within which to file its response brief. Our brief is currently due on February 18, 2014. This is our second motion for extension of time made for this purpose. On November 25, 2013, we requested, and the Court granted, a 45-day extension of time. On January 6, 2014, counsel for Government contacted counsel for the other parties. Counsel for the plaintiff-appellants consented to this motion. Counsel for defendant-appellees, Sioux Honey Association and American Honey Producers, consented to the motion and requested that the proposed enlargement also be applied to their response brief.

Good cause exists to grant this requested enlargement of time. On January 6, 2014, new counsel for the Government was assigned this case, and therefore, current Government counsel is completely new to this appeal. More time is needed for counsel to familiarize herself with this case, to consult with agency counsel, to coordinate a response to plaintiff-appellant's brief, and to obtain internal mandatory supervisory review of the brief.

Moreover, the extension of time requested is necessary because defendant-appellee's counsel, among other matters, is required: (1) to prepare and to file the Government's supplemental brief in *Jinan Farmlady Trading Co. v. United States*,

Ct. Int'l Trade No. 12-00181, by January 20, 2014; (2) to prepare and to file the Government's brief in response to plaintiffs' motion for judgment upon the administrative record in *Jiangsu Jiasheng Photovoltaic Tech. Co. v. United States*, Ct. Int'l Trade No. 13-00012, by January 29, 2014; (3) to prepare for and to participate in oral argument before this Court in *Jinxiang Chengda Imp & Exp Co. v. United States*, Fed. Cir. No. 2013-1422, on February 5, 2014; (4) to prepare for and to participate in oral argument before the Court of International Trade in *GGB Bearing Tech. (Suzhou) Co v. United States*, Ct. Int'l Trade No. 12-00386, on February 12, 2014; and (5) to prepare for and to file the Government's brief in response to plaintiff's motion for judgment upon the administrative record in *JBF RAK LLC v. United States*, Ct. Int'l Trade No. 13-00211, by February 18, 2014. These tasks will considerably delay counsel's progress in coordinating with the agency and preparing our response.

For these reasons, we respectfully request the Court to grant our unopposed motion for a 30-day enlargement of time.

Respectfully submitted,

STUART F. DELERY
Assistant Attorney General

JEANNE E. DAVIDSON
Director

/s/Reginald T. Blades, Jr.
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January 10, 2014

Attorneys for Defendant-Appellee

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DECLARATION OF MELISSA M. DEVINE

Pursuant to Fed. Cir. R. 26(b), in support of defendant-appellee's motion for enlargement of time filed herewith, Melissa M. Devine declares, pursuant to 28 U.S.C. § 1746, as follows:

1. In this appeal, I am the lead attorney for defendant-appellee, the United States.
2. Defendant-appellee's brief is currently due on February 18, 2014.
3. More time is needed for counsel to consult with agency counsel and to coordinate the content of our opening brief, and for counsel to obtain internal mandatory supervisory review of the brief.
4. A 30-day extension of time requested is necessary because defendant-appellee's counsel, among other matters, is required: (1) to prepare and to file the Government's supplemental brief in *Jinan Farmlady Trading Co. v. United States*, Ct. Int'l Trade No. 12-00181, by January 20, 2014; (2) to prepare and to file the Government's brief in response to plaintiffs' motion for judgment upon the administrative record in *Jiangsu Jiasheng Photovoltaic Tech. Co. v. United States*, Ct. Int'l Trade No. 13-00012, by January 29, 2014; (3) to prepare for and to participate in oral argument before this Court in *Jinxiang Chengda Imp & Exp Co. v. United States*, Fed. Cir. No. 2013-1422, on February 5, 2014; (4) to prepare for and to participate in oral argument before the Court of International Trade in *GGB*

Bearing Tech. (Suzhou) Co v. United States, Ct. Int'l Trade No. 12-00386, on February 12, 2014; and (5) to prepare and to file the Government's brief in response to plaintiff's motion for judgment upon the administrative record by February 18, 2014. These tasks will considerably delay counsel's progress in coordinating with the agency and preparing our response.

5. On January 6, 2014, counsel for Government contacted counsel for the other parties. Counsel for all parties consented to this motion.

I hereby certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 10th day of January, 2014.

/s/ Melissa M. Devine
MELISSA M. DEVINE

To the following address: